

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KENDALL SMITH,

*

Plaintiff,

*

v.

*

Civ. No. JKB-23-3262

U.S. JUDGE PAULA XINIS, *et al.*,

*

*

Defendants.

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MEMORANDUM AND ORDER

Plaintiff Kendall Smith has filed a Complaint against Judge Paula Xinis, the State of Maryland, and the United States Government. (ECF No. 1.) His Complaint is skeletal and provides no factual details, but contends that various statutes and Constitutional provisions were violated. (*See generally id.*) In a separate filing, he indicates that “Judge Xinis’ Order in prior case # 8:21-cv-03225-PX was based on meticulous falsehoods to prevent Plaintiff from becoming whole.” (ECF No. 5.)

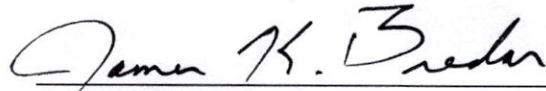
The Court has reviewed the Complaint and concludes that dismissal is likely appropriate because it appears to be frivolous and barred by judicial immunity. As the Fourth Circuit has explained, “frivolous complaints are subject to dismissal pursuant to the inherent authority of the court, even when the filing fee has been paid.” *Chong Su Yi v. Soc. Sec. Admin.*, 554 F. App’x 247, 248 (4th Cir. 2014). Further, “district courts may only exercise their authority to sua sponte dismiss inadequate complaints if the procedure employed is fair to the parties. Namely, the party whose complaint stands to be dismissed must be afforded notice and an opportunity to amend the complaint or otherwise respond.” *Robertson v. Anderson Mill Elementary Sch.*, 989 F.3d 282, 291 (4th Cir. 2021).

Accordingly, it is ORDERED that:

1. Smith is DIRECTED to SHOW CAUSE why his Complaint should not be dismissed by April 17, 2024.
2. Smith is FOREWARNED that a failure to show cause will result in the dismissal of his Complaint.
3. The Clerk is DIRECTED to mail a copy of this Order to Smith.

DATED this 3 day of April, 2024.

BY THE COURT:



James K. Bredar
Chief Judge